

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

JOSEPH MALRIAT, et al.,

Plaintiffs,

v.

QUANTUMSCAPE CORPORATION, et  
al.,

Defendants.

Case No. [3:21-cv-00058-WHO](#)

**ORDER REGARDING CASE  
SCHEDULE**

Re: Dkt. No. 171

WHEREAS, on April 20, 2021, the Court appointed Frank Fish as lead plaintiff (“Lead Plaintiff,” and together with Kathy Stark and Mary Cranny “Plaintiffs”) and Levi & Korsinsky, LLP as lead counsel on behalf of the putative class (ECF No. 115);

WHEREAS, on June 21, 2021, Lead Plaintiff filed the Consolidated Class Action Complaint for Violations of the Federal Securities Laws (ECF No. 131) against Defendants QuantumScape Corporation, Jagdeep Singh, Kevin Hettrich, and Timothy Holme (collectively, “Defendants”);

WHEREAS, on January 14, 2022, after full briefing and oral argument on Defendants’ Motion to Dismiss Plaintiff’s Consolidated Class Action Complaint (ECF Nos. 137-140, 142-43, 146), the Court issued its Order on Motion to Dismiss (ECF No. 153), denying the motion except as to one challenged statement;

WHEREAS, subsequent to the Court’s Order on Motion to Dismiss, the parties commenced discovery, including, but not limited to: serving and responding to requests for production and written interrogatories; numerous meet and confers regarding responses to written discovery via videoconference, teleconference, and written correspondence; meeting and conferring regarding a Stipulated Protective Order entered by the Court on July 28, 2022 (ECF

No. 168); serving Rule 45 third-party subpoenas for the production of documents and reviewing associated productions; and preparing for and attending the depositions of Plaintiffs and their expert Matthew Cain, Ph.D.;

WHEREAS, on March 8, 2022, the parties filed a Joint Case Management Statement and Proposed Order (ECF No. 157), which is pending;

WHEREAS, on July 11, 2022, the parties filed a Stipulation and Proposed Order to Amend the Consolidated Class Action Complaint for Violations of the Federal Securities Laws and Amend the Proposed Scheduling Order (ECF No. 162) requesting, in pertinent part, the Court set the deadline for Defendants' opposition to Lead Plaintiff's motion for class certification to September 29, 2022, and set the deadline for Lead Plaintiff's reply in further support of class certification to October 28, 2022;

WHEREAS, on July 13, 2022, the Court ordered that Defendants' opposition to Lead Plaintiff's motion for class certification be due September 29, 2022, and further that Lead Plaintiff's reply in further support of class certification be due October 13, 2022;

WHEREAS, Plaintiffs filed the Second Amended Consolidated Class Action Complaint for Violations of the Federal Securities Laws on July 14, 2022 (ECF No. 154);

WHEREAS, Plaintiffs moved for class certification, appointment as Class Representatives, and appointment of Levi & Korsinsky, LLP as class counsel on July 29, 2022 (ECF No. 169) and the hearing on Plaintiffs' motion is currently scheduled for November 2, 2022;

WHEREAS, the parties continue to meet and confer regarding discovery requests, Defendants are continuing to review and produce documents on a rolling basis, and Plaintiffs are continuing to review Defendants' productions;

WHEREAS, Plaintiffs' counsel have identified certain scheduling conflicts with the Court's July 13, 2022 scheduling order, including: a Partner leading the matter who is preparing for a wedding on September 24, 2022 and preplanned honeymoon between October 8, 2022 and October 22, 2022; a lead Senior Associate who is expecting his child's birth and to take paternity

1 leave for approximately four weeks beginning in late September 2022; and the resignation of an  
2 Associate effective September 16, 2022; WHEREAS, Defendants' submission in opposition to  
3 Plaintiffs' motion for class certification will include the report of an expert to address the report of  
4 Plaintiffs' expert, Dr. Cain;

5 WHEREAS, Plaintiffs will need sufficient time to digest Defendants' expert report and  
6 prepare for and take the expert's deposition and Defendants anticipate meeting with their expert to  
7 prepare for the deposition;

8 WHEREAS, Plaintiffs anticipate that in connection with their reply, they will need time to  
9 collaborate with their expert and that their expert will submit a rebuttal to Defendants' expert's  
10 report;

11 WHEREAS, Plaintiffs will need sufficient time to prepare their reply brief incorporating,  
12 at a minimum, Defendants' expert's deposition testimony and their expert's rebuttal, and Plaintiffs  
13 respectfully submit the current schedule does not allow sufficient time for the parties to  
14 accomplish these tasks;

15 WHEREAS, the parties have met and conferred on the proposed schedule below to  
16 complete their briefing with respect to Plaintiffs' class certification motion.

17 NOW THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the  
18 attorneys for the undersigned parties, subject to the approval of the Court, as follows:

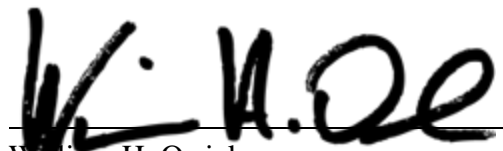
- 19 1. Defendants shall file their opposition to Plaintiffs' motion for class certification by  
20 October 6, 2022.
- 21 2. Plaintiffs shall file their reply in further support of class certification by November  
22 10, 2022.
- 23 3. The hearing on Plaintiffs' motion for class certification shall be held on December  
24 14, 2022 at 2:00 p.m.

25  
26 The parties are reminded to submit copies of all proposed orders in Microsoft Word to the Court  
27  
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via email.

**IT IS SO ORDERED.**

Dated: September 20, 2022

  
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William H. Orrick  
United States District Judge

United States District Court  
Northern District of California